

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JIMMY CLARK,

Plaintiff,

vs.

TIMOTHY RASMUSSEN, et al.,

Defendants.

NO. CV-09-375-JLQ

**ORDER DENYING MOTION TO  
VACATE**

**BEFORE THE COURT** is Mr. Clark's Motion to Vacate Order Dismissing Petitioner's Writ of Review (Ct. Rec. 7), in which he again contends that there are no duly qualified Supreme Court Justices sitting on the Washington Supreme Court, thus, he contends, he may not pursue remedies in state court.

The court reiterates that it will abstain from reaching the merits of Mr. Clark's claim until he exhausts all available state judicial remedies, his opinion of the validity and constitutionality thereof notwithstanding. *See Middlesex County Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 432 (1982). Accordingly,

**IT IS HEREBY ORDERED:**

1. The Motion to Vacate Order Dismissing Petitioner's Writ of Review (Ct. Rec. 7) is **DENIED**.

2. Mr. Clark is cautioned **for a second time** that, while the court is not reaching the merits of the instant action, frivolous filings not grounded in law and fact may lead to sanctions or the entry of a vexatious litigant Order.

The Clerk is hereby directed to enter this Order and furnish copies to Mr. Clark.

**DATED** this 7th day of January, 2010.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH  
SENIOR UNITED STATES DISTRICT JUDGE